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April 26, 1983

Mr. Thomas L. Sweeney
Chief
Bureau of Solid Waste Management
Office of Waste Management
Hazen Drive
Concord, New Hampshire 03301

Re: Solid Waste Disposal Districts

Dear Mr. Sweeney:

This is in response to your April 4, 1983 memorandum requesting clarification of the requirements applicable to solid waste management districts under RSA 149-M. Specifically, you have requested an explanation of what type of an agreement municipalities must enter in order to establish a district which may be approved by the Solid Waste Management Board (Board). Our conclusion is that municipalities may use any form of agreement they choose to establish a district, provided that the agreement is in writing.

RSA 149-M:18 requires every town to participate in a solid waste management district approved by the Board. The Board's authority to disapprove districts is limited to situations where the proposed district does not serve to promote area planning for, and cooperative efforts in, solid waste management in an environmentally sound and economic manner. RSA 149-M:18, I. The Board does not have authority to deny approval of a district because of the form of agreement by



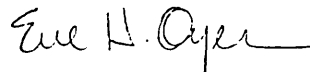
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which the district was created, so long as the agreement is written and in fact creates a district. RSA 149-M:18,II expressly states that "towns shall enter into a written agreement which may be an informal agreement or a formal interlocal cooperative agreement under RSA 53-A or 53-B.

It is our conclusion that the statute authorizes the towns to enter into either formal or informal written agreements to form solid waste management districts. This office cannot advise the towns as to the benefits and legal consequences of entering into a particular type of agreement. If the district satisfies the requirements of RSA 149-M:18, the Board must approve it regardless of whether it was established by a formal or informal agreement.

I trust this adequately addresses your question. If you need further assistance in this matter, please do not hesitate to call.

Yours truly,



Eve H. Oyer
Attorney
Environmental Protection Div.

EHO/clf

83-48-I